

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:

ACandS, Inc.

Debtors.

Case No. 02-12687 (KG)

Re: Docket Nos. 3810, 3814, 3816, 3839, 3841

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1078 (LPS)

BAP No. 16-59

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1099 (LPS)

BAP No. 16-68

IN RE:

Armstrong World Industries, Inc.

Debtors.

Case No. 00-4471 (KG)

Re: Docket Nos. 10876, 10880, 10881, 10904, 10906

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1084 (LPS)

BAP No. 16-54

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1100 (LPS)

BAP No. 16-63

IN RE:

Combustion Engineering, Inc.

Debtors.

Case No. 03-10495 (KG)

Re: Docket Nos. 3562, 3566, 3567, 3592, 3594

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1081 (LPS)

BAP No. 16-60

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1101 (LPS)

BAP No. 16-69

IN RE:

The Flintkote Company

Debtors.

Case No. 04-11300 (KG)

Re: Docket Nos. 9398, 9402, 9403, 9429, 9430

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1079 (LPS)

BAP No. 16-61

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1102 (LPS)

BAP No. 16-70

IN RE:

Kaiser Aluminum Corp.

Debtors.

Case No. 02-10429 (KG)

Re: Docket Nos. 10415, 10419, 10420, 10443, 10444

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1094 (LPS)

BAP No. 16-58

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1103 (LPS)

BAP No. 16-67

IN RE:

Owens Corning

Debtors.

Case No. 00-3837 (KG)

Re: Docket Nos. 21173, 21177, 21178, 21203, 21204

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1080 (LPS)

BAP No. 16-53

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1104 (LPS)

BAP No. 16-62

IN RE:

US Mineral Products Company

Debtors.

Case No. 01-2471 (KG)

Re: Docket Nos. 4159, 4163, 4164, 4187, 4188

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1093 (LPS)

BAP No. 16-57

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1105 (LPS)

BAP No. 16-56

IN RE:

USG Corp.

Debtors.

Case No. 01-2094 (KG)

Re: Docket Nos. 12774,12778, 12779, 12802, 12803

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1092 (LPS)

BAP No. 16-56

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1106 (LPS)

BAP No. 16-65

IN RE:

W.R. Grace & Co.

Debtors.

Case No. 01-1139 (KG)

**Re: Docket Nos. 32788, 32793, 32794, 929605,
929606**

HONEYWELL INTERNATIONAL INC.,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1096 (LPS)

BAP No. 16-55

FORD MOTOR COMPANY,

Appellant,

v.

THE NORTH AMERICAN
REFRACTORIES COMPANY ASBESTOS
PERSONAL INJURY SETTLEMENT
TRUST ADVISORY COMMITTEE,

Appellee.

Case No. 16-1098 (LPS)

BAP No. 16-64

**CROSS-APPELLANT AND APPELLEE LAWRENCE FITZPATRICK,
FUTURE CLAIMANTS' REPRESENTATIVE OF THE NORTH AMERICAN
REFRACTORIES COMPANY TRUST'S STATEMENT OF ISSUES TO BE
PRESENTED ON CROSS-APPEAL AND DESIGNATION OF ADDITIONAL ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL AND CROSS-APPEAL**

Lawrence Fitzpatrick, the Future Claimants' Representative for the North American Refractories Company Asbestos Personal Injury Settlement Trust (the "**NARCO FCR**"), by and through his undersigned counsel, hereby submits, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**"), his statement of issues to be presented on the cross-appeal and designation of additional items to be included on the record on appeal and

cross-appeal with respect to the (i) the *Order* (the “**Order**”)¹; (ii) the *Opinion re Motion of Honeywell International, Inc. for Access to Rule 2019 Exhibits* (the “**Opinion**”),² each entered by the Bankruptcy Court on November 8, 2016, and (iii) all adverse orders, rulings, decrees, opinions, and judgments leading up to, merged into, or included within the Order or the Opinion.

ISSUES TO BE PRESENTED ON CROSS-APPEAL

The NARCO FCR states the following issues on cross-appeal:

1. Did the Bankruptcy Court err in allowing Honeywell and Ford access to the Rule 2019 Exhibits, which contain sensitive and personally-identifying information of individuals?
2. Did the Bankruptcy Court err in determining that Honeywell and Ford had a purpose for accessing the Rule 2019 Exhibits that was not improper?

¹ The Order was filed in: Case No. 02-12687 at Docket No. 3810; Case No. 00-04471 at Docket No. 10876; Case No. 03-10495 at Docket No. 3562; Case No. 04-11300 at Docket No. 9398; Case No. 02-10429 at Docket No. 10415; Case No. 00-03837 at Docket No. 21173; Case No. 01-02471 at Docket No. 4159; Case No. 01-02094 at Docket No. 12774; and Case No. 01-01139 at Docket No. 32788.

² The Opinion was filed in: Case No. 02-12687 at Docket No. 3809; Case No. 00-04471 at Docket No. 10875; Case No. 03-10495 at Docket No. 3561; Case No. 04-11300 at Docket No. 9397; Case No. 02-10429 at Docket No. 10414; Case No. 00-03837 at Docket No. 21172; Case No. 01-02471 at Docket No. 4158; Case No. 01-02094 at Docket No. 12773; and Case No. 01-01139 at Docket No. 32787.

ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL AND CROSS-APPEAL

The NARCO FCR designates the following items to be included in the record on appeal and cross-appeal, consisting of entries on the dockets in the above-captioned cases relevant to the issues on appeal and cross-appeal.

Relevant Items from *In re ACandS, Inc.*, No. 02-12687

D.I.	Date Filed	Description
1463	08/27/2004	Order Staying Order of August 25, 2004, Requiring Filing of 2019 Statements
3700	10/12/2011	Notice of Appeal (BAP 11-87)
3721	03/18/2013	Corrected Opinion Regarding Appeal of Bankruptcy Orders

Relevant Items from *In re Armstrong World Industries, Inc.*, No. 00-04471

D.I.	Date Filed	Description
10757	10/07/2011	Memorandum Opinion in Regards to the Three Motions Filed by Garlock Sealing Technologies, Inc.
10782	03/18/2013	Corrected Opinion Regarding Appeal of Bankruptcy Orders

Relevant Items from *In re Combustion Engineering, Inc.*, No. 03-10495

D.I.	Date Filed	Description
3476	03/18/2013	Corrected Opinion Regarding Appeal of Bankruptcy Orders

Relevant Items from *In re The Flintkote Company*, No. 04-11300

D.I.	Date Filed	Description
359	11/01/2004	Notice of Appeal of Revised Order Requiring Filing of Statements Pursuant to Fed. R. Bankr. P. 2019
957	07/15/2005	Supplement to Revised Order Requiring Filing of Statements

Relevant Items from *In re Owens Corning*, No. 00-03837

D.I.	Date Filed	Description
21068	03/18/2013	Corrected Opinion Regarding Appeal of Bankruptcy Orders

Relevant Items from *In re United States Mineral Products Company*, No. 01-02471

D.I.	Date Filed	Description
3989	03/18/2013	Corrected Opinion Regarding Appeal of Bankruptcy Orders

Relevant Items from *In re USG Corporation, No. 01-02094*

D.I.	Date Filed	Description
12682	03/18/2013	Corrected Opinion Regarding Appeal of Bankruptcy Orders

Relevant Items from *In re W.R. Grace & Co., No. 01-01139*

D.I.	Date Filed	Description
32793	11/22/2016	Notice of Appeal (BAP 16-55)
32794	11/22/2016	Notice of Appeal (BAP 16-64)

Dated: December 20, 2016

YOUNG CONAWAY STARGATT & TAYLOR, LLP

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